2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Strengthening the implementation of article X of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the United States

The right to withdraw from the Treaty remains a sovereign right. But it is also true that parties to the NPT have a sovereign right to consider the ramifications upon their individual and collective security of such a withdrawal, including by States that have breached their obligations prior to withdrawal. We, the parties to the Treaty, should make clear that consequences will flow from withdrawal from the Treaty and, in doing so, deter such actions and further the goal of universal adherence.

The United States offers the following language for inclusion in the final report of Main Committee III and in any product of the 2005 NPT Review Conference.

Article X — Withdrawal

1. While affirming the sovereign right of any NPT State to withdraw in strict conformity with the provisions of Article X.1, the Conference strongly urges any State contemplating such action to engage in consultations, prior to withdrawal, with regard to the events that are leading it towards such a decision.

2. The Conference believes it is the duty of every NPT party to render all possible assistance to any State contemplating a notification of withdrawal in order to dissuade it from such a decision.

3. The Conference states that any notification of withdrawal should state clearly the extraordinary circumstances that have led the State in question to conclude that its supreme national interests have been jeopardized.

4. The Conference urges the Security Council upon receipt of a notification of withdrawal to meet promptly and identify steps to deal with the State's intention to withdraw, including addressing any security consequences of the intended withdrawal and, as appropriate, engaging the State intending to withdraw in a dialogue.

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5. The Conference concludes that any NPT party withdrawing from the Treaty prior to remedying a violation of the Treaty should remain accountable for that violation.

6. The Conference believes that NPT parties should consider a wide range of actions in response to the withdrawal. The NPT Depositary States should meet to determine what role they might play in dealing with the situation.

7. The Conference states that the IAEA Board could convene to consider the consequences for IAEA safeguards of the possible NPT withdrawal by a State party, including possible retention of safeguards on nuclear equipment and material imported by that State prior to withdrawal.

8. The Conference notes that nuclear suppliers could meet to consider joint or unilateral actions. In addition to a cut-off of nuclear supply, supplier States could consider individual and/or joint action to monitor compliance with bilateral assurances that may pertain to nuclear material and equipment that had been supplied to the State prior to its withdrawal.

9. The Conference believes that NPT nuclear supplier States should, through appropriate means, seek a halt in the use of nuclear material and equipment previously supplied to the withdrawing State, and the elimination of such items or their return to the original supplier.

10. Another step that could be taken by States in a position to do so would be to focus intelligence and interdiction resources on the withdrawing State in an attempt to stop any clandestine procurement directed at the acquisition of a nuclear weapons capability.